

JONES DAY

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September 17, 2014

VIA OVERNIGHT MAIL

Region 3 Freedom of Information Officer
US EPA Region 3 (3PA00)
1650 Arch Street
Philadelphia, PA 19103-2029
215.814.2050 (FOIA line)
215.814.5102 (fax)
R3FOIA@epa.gov

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear Madam or Sir:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*, and implementing regulations of the U.S. Environmental Protection Agency ("EPA"), 40 C.F.R. Part 2, The United Company ("United") hereby requests access to and/or copies of all of the records described below:

1. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Mingo Logan Company's ("Mingo") Spruce No. 1 mine in Logan County, West Virginia between current or former EPA personnel.
2. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Mingo Logan Company's Spruce No. 1 mine in Logan County, West Virginia between current or former EPA personnel and third parties and/or organizations.
3. All documents that contain, describe, discuss, refer to, respond to, or provide any evidence of any communication on the subject of the Mingo Logan Company's Spruce No. 1 mine in Logan County, West Virginia between current or former

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EPA personnel and current or former personnel of other government entities or agencies.

For the purposes of these requests, "documents" refers to all electronic, written, or graphic matter, however produced or reproduced, including but not limited to correspondence, emails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, powerpoint presentations, spreadsheets, maps, photographs, video or audio records, data compilations, or calendars.

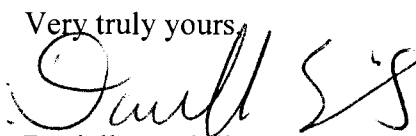
For these requests, EPA need not provide United with copies of any documents that United itself or Mingo have submitted to EPA. If, in responding to this request, EPA determines that any otherwise responsive information will not be provided because it constitutes confidential business information or is otherwise exempt under 5 U.S.C. § 552(b), provide a *Vaughn* Index stating the nature of the information being withheld and the legal ground upon which disclosure has been denied. Wherever a record contains information for which you assert that a statutory exemption applies, you should redact such allegedly exempt information and must provide the remainder of the record.

The purpose of this request is to evaluate the basis for possible legal claims and, therefore, falls within the "other" fee category set forth at 40 C.F.R. § 2.120(a). Pursuant to 40 C.F.R. § 2.120(c), I agree to pay all necessary fees incurred in responding to this request.

Please send a copy of all responsive documents, privilege logs (to the extent applicable) and any bill for FOIA fees to the following address:

Daniella Einik
Jones Day
51 Louisiana Ave N.W.
Washington, D.C. 20010.
Fax: 202-626-1700
Tel: 202-879-3775

Thank you for your courtesy and cooperation.

Very truly yours,

Daniella A Einik